

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Defendant Alexander Milman moved for reconsideration of the Court's order revoking pretrial release. The Court finds the matter appropriate for decision without oral argument. For the reasons stated herein, the motion is DENIED.

Defendant Alexander Milman has been indicted for Health Care Fraud, Conspiracy to Launder Money, Money Laundering—Concealment (14 counts), Structuring and a Forfeiture claim. (Dkt. 1). The case arises out of the operation of A-Z Pharmacy in Bellevue, Tacoma and Kent, Washington and the allegations that defendant submitted fraudulent claims to Medicare for prescription drugs and medical supplies. His wife, Valentina Milman, a licensed pharmacist, is a co-defendant in the case.

After a detention hearing on July 14, 2006, defendant was placed on a temporary bond,

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01 pending investigation by Pretrial Services into the nature and circumstances of defendant's current
02 employment in order to assess supervision. (Dkt. 7). While on pretrial release, the Grand Jury
03 returned a Superceding Indictment, charging Alexander Milman and Valentina Milman for further
04 criminal acts allegedly committed during their pretrial release. (Dkt. 28). The government moved
05 to revoke the defendants' pretrial release. (Dkt. 30). Pretrial Services joined in the request.

06 A bond revocation hearing was held on September 12, 2006. (Dkt. 35). The Court
07 found that the Superceding Indictment established probable cause that Mr. Milman committed a
08 felony while on release, raising the rebuttable presumption that no conditions of release will
09 reasonably assure the safety of the community or defendant's appearance. The evidence did not
10 rebut that presumption. It was further found by clear and convincing evidence that defendant
11 violated the conditions of pretrial release by failing to disclose his new employment and by
12 threatening a DHHS Special Agent. Mr. Milman's bond was revoked and he was remanded to
13 custody. (Dkt. 37).

14 Defendant asks for reconsideration of the order revoking release. He asks for the
15 opportunity to apologize for the allegedly threatening statements made during his arrest.
16 However, this request is not a proper basis for reconsideration of the Court's order. Defendant
17 also asks for the opportunity to present the testimony of his 18 year old daughter to show that he
18 is not a risk of flight or a danger to the community. However, such evidence does not constitute
19 new and material information "not known to the movant at the time of the hearing", and therefore
20 does not justify a reopening of the detention order.¹⁸ § 3142(f)(2)(B). Defendant further argues
21 that the detention order should be reconsidered because the government has failed to provide the
22 defense with any evidence of illegal billing by the defendant since his original indictment.

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01 However, the findings by the grand jury in returning the Superceding Indictment establish probable
02 cause of such conduct.

03 Conclusion

04 Defendant has not shown any basis for reconsidering the Court's order revoking bond.
05 Therefore, the motion is denied.

06 The Clerk is directed to send copies of this Order via electronic notification to each of the
07 following: to counsel for the United States, to counsel for Defendant, to the Honorable James L.
08 Robart, and to Judge Theiler. If electronic notification is not available for a given party, the Clerk
09 is directed to send via first-class mail a copy of this Order to that party.

10 DATED this 24th day of October, 2006.

11 
12 Mary Alice Theiler
13 United States Magistrate Judge